



07.07.04

Attorney Docket No. 061602-3175

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: PEDERSEN et al.
Title: RADIO TERMINAL
Appl. No.: 09/558,378
Filing Date: April 26, 2000
Examiner: Delgado, Michael A.
Art Unit: 2144

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EL 962424018 US July 6, 2006
(Express Mail Label Number) (Date of Deposit)

Charles T. Schreck
(Printed Name)

Charles T. Schreck
(Signature)

**PETITION FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Required reply and/or fee;
- (2) Petition fee (37 C.F.R. § 1.17(m));
- (3) Statement that the abandonment was unintentional; and
- (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

- (1) Required reply and/or fee.

A new Notice of Appeal signed by Applicants' current representatives.

A copy of the Applicants' Pre-Appeal Request for Review is included.

- (2) Petition fee (37 C.F.R. § 1.17(m))

The Commissioner is hereby authorized to charge amount of \$1,500.00 stated in 37 C.F.R. § 1.17(m) to cover the fee for this petition, and if such petition is granted, then the amount of \$1,520.00 for the Notice of Appeal and any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to

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Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450

(3) Statement that the abandonment was unintentional.

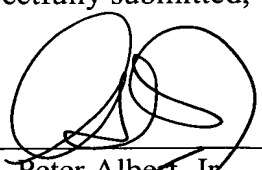
Applicants hereby state that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional. The Examiner issued a final Office Action in the above-identified application on April 21, 2005. Applicants' subsequently transferred the files and prosecution of the present application to the current representatives. The physical file now in the possession of Applicants' current representatives includes a Petition for Extension of Time and a Notice of Appeal executed by Applicants' prior representatives on August 22, 2005, a copy of which is attached as Appendix I. It appears that the Notice of Appeal was inadvertently not sent to the U.S. Patent and Trademark Office by Applicants' prior representative since private PAIR shown no record of receipt by the U.S. Patent and Trademark Office, and Applicants' physical file does not contain a return postcard for the Notice of Appeal. As the file contains a signed copy of the Notice of Appeal, the current representatives understood the Notice of Appeal to have been filed and relied on the prior representative's documentation. Applicants had been unaware that their former representatives had not filed a Notice of Appeal. However, eventually, the prior representatives forwarded a Notice of Abandonment issued by the Examiner on January 18, 2006 to the current representatives. Upon receipt of the Notice of Abandonment, Applicants' representatives had to recreate the file history to determine what the prior representatives had filed and/or failed to file, at which point it was discovered that apparently the Notice of Appeal in the physical file had been inadvertently not filed.

(4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

Respectfully submitted,

Date July 6, 2006
FOLEY & LARDNER LLP
321 North Clark Street
Suite 2800
Chicago, IL 60610
Telephone: (312) 832-4500
Facsimile: (312) 832-4700

By 
G. Peter Albert, Jr.
Registration No. 37,268
Attorney for Applicant



Attorney Docket No. 061602-3175

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EL 962424018 US July 6 2006
(Express Mail Label Number) (Date of Deposit)
Charles J. Schreck
(Printed Name)
Charles J. Schreck
(Signature)

TRANSMITTAL OF PETITION FOR REVIVAL OF APPLICATION, NOTICE OF APPEAL AND PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Petition for Revival of Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) in the above-identified application. Also enclosed are the following:

1. Pre-Appeal Brief Request for Review;
2. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences;
3. Power of Attorney;
4. 3.73b Certificate;
5. Copy of merger document as submitted for recordation on March 28, 2006; and
6. Copy of recorded assignment.

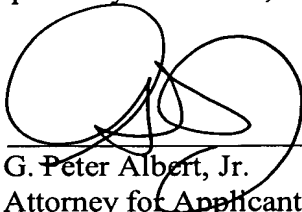
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Date July 6, 2006
FOLEY & LARDNER LLP
321 North Clark Street
Suite 2800
Chicago, Illinois 60610-4764
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Respectfully submitted,

By 
G. Peter Albert, Jr.
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